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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Takayuki Usui

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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

PAPER NUMBER

1772

MAIL DATE

DELIVERY MODE

06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/788,351	Applicant(s) USUI ET AL.	
	Examiner Walter B. Aughenbaugh	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 19, 2006 (Amdt. I) has been entered.

Acknowledgement of Applicant's Amendments

2. The amendments made in claims 7, 13 and 28 in the Amendment filed December 19, 2006 (Amdt. I) have been received and considered by Examiner.
3. Applicant's cancellation of claims 21-23, 29 and 30 in Amdt. I has been acknowledged by Examiner.

WITHDRAWN OBJECTIONS

4. The objection to the specification made of record in paragraph 11 of the previous Office Action mailed July 19, 2006 has been withdrawn due to Applicant's cancellation of claims 23 and 30 in Amdt. I.

WITHDRAWN REJECTIONS

5. The 35 U.S.C. 112, first paragraph, rejection of claims 23 and 30 made of record in paragraph 13 of the previous Office Action mailed July 19, 2006 has been withdrawn due to Applicant's cancellation of claims 23 and 30 in Amdt. I.

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6. The 35 U.S.C. 112, second paragraph, rejection of claims 23 and 30 made of record in paragraph 15 of the previous Office Action mailed July 19, 2006 has been withdrawn due to Applicant's cancellation of claims 23 and 30 in Amdt. I.

7. The 35 U.S.C. 103 rejections of claims 21-23, 29 and 30 that were repeated in the previous Office Action mailed July 19, 2006 have been withdrawn due to Applicant's cancellation of claims 21-23, 29 and 30 in Amdt. I.

REPEATED REJECTIONS

Claim Rejections - 35 USC § 103

8. The 35 U.S.C. 103 rejections of claims 13-18 that were repeated in paragraph 4 of the previous Office Action mailed July 19, 2006 have been repeated for the reasons previously made of record: the rejection of claim 22 that was repeated in paragraph 4 of the previous Office Action mailed July 19, 2006 now applies to claim 13 since the language of claim 22 was inserted into claim 13 in Amdt. I.

9. The 35 U.S.C. 103 rejection of claims 1, 2, 7-10, 19, 20, 24, 26 and 27 that was repeated in paragraph 5 of the previous Office Action mailed July 19, 2006 has been repeated for the reasons previously made of record: the rejection of claim 21 that was repeated in paragraph 5 of the previous Office Action mailed July 19, 2006 now applies to claim 7 since the language of claim 21 was inserted into claim 7 in Amdt. I.

10. The 35 U.S.C. 103 rejection of claims 3, 5 and 11 that was repeated in paragraph 6 of the previous Office Action mailed July 19, 2006 has been repeated for the reasons previously made of record.

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11. The 35 U.S.C. 103 rejection of claims 4, 6 and 12 that was repeated in paragraph 7 of the previous Office Action mailed July 19, 2006 has been repeated for the reasons previously made of record.

12. The 35 U.S.C. 103 rejection of claim 28 that was repeated in paragraph 9 of the previous Office Action mailed July 19, 2006 has been repeated for the reasons previously made of record: in regard to the amendment in claim 28 in Amdt. I, the recitation “is fed through an automatic plate feeding mechanism” is a method limitation that has not been given patentable weight since the method of forming the article is not germane to the issue of patentability of the article itself. Examiner notes that an “automatic plate feeding mechanism” is not positively recited by the language of claim 28: an “automatic plate feeding mechanism” is not a required component of the structure recited in the claim (the claimed “package sheet structure” is not required to comprise an “automatic plate feeding mechanism”).

Response to Arguments

13. Applicant states “The Examiner has repeatedly failed to address claim 17” in footnote 2 on page 8. The substance of the rejection of claim 17 is in paragraph 20 of the Office Action mailed April 30, 2004. This rejection has been repeated in all of the Office Actions subsequent to the Office Action mailed April 30, 2004. Clarification is requested as to what Applicant intends to argue by “The Examiner has repeatedly failed to address claim 17” provided that the rejection of claim 17 made of record in paragraph 20 of the Office Action mailed April 30, 2004 has been repeated in all of the Office Actions subsequent to the Office Action mailed April 30, 2004, including the previous Office Action mailed July 19, 2006.

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14. Applicant's substantive arguments presented on pages 9-16 that are directed to the facts of the instant application are all unsupported. Applicant's statements in the last two sentences of page 12 are unsupported. Applicant's statement "... would have never..." on page 14 is unsupported. Applicant's statement "... these characteristics are not essential for..." on page 15 is unsupported. Applicant's statement "... air permeability will be excessively large and stability of sensitivity will not be maintained..." on page 15 is unsupported. Applicant's statements in the paragraph bridging pages 15 and 16 in regard to what is shown in the Declaration filed April 24, 2006 are unsupported. Applicant's statements in the first full paragraph of page 16 in regard to what is shown in the Declaration filed April 24, 2006 are unsupported. Applicant also does not explain how the arguments in the paragraph bridging pages 15 and 16 and the first full paragraph of page 16 address the pertinent rejections of record.

Applicant's statement on page 13 that The Declaration filed April 24, 2006 provides evidence that "density is unrelated to air permeability" is unsupported. On page of the previous Office Action mailed July 19, 2006 it is stated that Declarant

states that "there is no correlation or interrelationship between density and air permeability" on page 2 of the Declaration, but the Office Action does not allege that there is. The chart merely provides the endpoints of the range that the Office Action cites from the Usui patent on page 6 (previous Office Action mailed September 22, 2005). The data provided in the column furthest to the right regarding the "Usui 2" reference is inconclusive since all the air permeability values are reported as "1000 or above". Declarant has not explained how this statement and chart addresses the rejection of record, and Applicant's Representative has not explained how this statement and chart addresses the rejection of record on page 11 of Amdt. H.

Page 8 of previous Office Action mailed July 19, 2006.

15. Applicant's arguments regarding the 35 U.S.C. 103 rejection of claims 7 and 13 have been fully considered but are not persuasive. The rejection of claim 21 that was repeated in

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paragraph 5 of the previous Office Action mailed July 19, 2006 now applies to claim 7 since the language of claim 21 was inserted into claim 7 in Amdt. I. The rejection of claim 22 that was repeated in paragraph 4 of the previous Office Action mailed July 19, 2006 now applies to claim 13 since the language of claim 22 was inserted into claim 13 in Amdt. I. Applicant refers to “the first embodiment” of Usui, but this is only one embodiment and does not define the scope of the teachings of Usui.

16. Applicant’s arguments regarding the 35 U.S.C. 103 rejection of claim 28 have been fully considered but are not persuasive. The recitation “is fed through an automatic plate feeding mechanism” is a method limitation that has not been given patentable weight since the method of forming the article is not germane to the issue of patentability of the article itself. Examiner notes that an “automatic plate feeding mechanism” is not positively recited by the language of claim 28: an “automatic plate feeding mechanism” is not a required component of the structure recited in the claim (the claimed “package sheet structure” is not required to comprise an “automatic plate feeding mechanism”). The paper spacer of Coppens is a “means for preventing...” as claimed since the spacer of Coppens that packages the planographic printing plate has a surface that contacts the imaging surface of the planographic printing plate (col. 3, lines 41-43).

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Walter B. Aughenbaugh

6/23/07

Walter B. Aughenbaugh
6/23/07